

# Public Notice

U.S. Army Corps of Engineers, Norfolk District

April 1, 2008

CENAO-REG  
Corps Number 2008-01057

## FEDERAL PUBLIC NOTICE

The District Engineer and the Virginia Department of Environmental Quality have received a joint application for Federal and State permits as described below:

### APPLICANT

Lakeside Centre  
C/o Hurt and Proffitt, Inc.  
2524 Langhorne Road  
Lynchburg, Virginia 24501

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located in tributaries of Tomahawk and Blackwater Creeks, tributaries to the James River, in the City of Lynchburg, Virginia.

PROPOSED WORK AND PURPOSE: The applicant proposes to develop an approximate 124 acre site for the purpose of creating a regional shopping center. The project as proposed will impact 5,364 linear feet of streams, 0.21 acre of forested wetlands and 0.62 acre of emergent wetlands. Mitigation is proposed in the form of restoration, enhancement and preservation of approximately 11,486 linear feet of streams within the watershed and the purchase of 0.83 acre of wetland credit from an approved wetland mitigation bank.

In addition to the required Department of the Army permit, the applicant must obtain a Virginia Water Protection Permit from the Virginia Department of Environmental Quality (DEQ) assuring that applicable laws and regulations pertaining to water quality are not violated. Project drawings are attached.

AUTHORITY: Permits are required pursuant to Sections 401 and 404 of the Clean Water Act (Public Law 95-217) and Title 62.1 of the Code of Virginia.

FEDERAL EVALUATION OF APPLICATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected from the proposal, must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The Environmental Protection Agency's "Guidelines for Specification of Disposal Sites for Dredged or Fill Material" will also be applied (Section 404(b)(1) of the Clean Water Act).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the individual and cumulative impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Engineer within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Engineer will then decide if a hearing should be held.

Preliminary review indicates that: (1) no environmental impact statement will be required; (2) no species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and (3) properties considered eligible for inclusion or included in the National Register of Historic Places are in or near the permit area, and may be affected by the proposal. Additional information might change any of these findings.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Our assessment of the project leads us to a preliminary determination that the project will not have a substantial adverse effect on EFH and therefore expanded EFH consultation is not required. Based on comments from the National Marine Fisheries Service in response to this public notice however, further EFH consultation may be necessary.

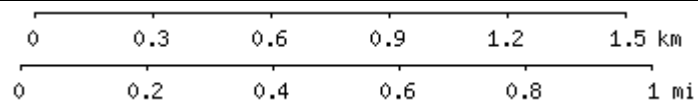
COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: Central Virginia Field Office) , 444 Abby Lane, Howardsville, VA 24562, and should be received by the close of business on April 30, 2008.

If you have any questions about this project or the permit process, please call or email:  
Nora Iseli (434)263-8247  
nora.m.iseli@usace.army.mil

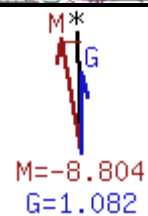
FOR THE DISTRICT ENGINEER:

Michael A. Schwinn  
Chief, Western Virginia  
Regulatory Section

Attachment: Drawings



Projection is UTM Zone 17 NAD83 Datum





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PLAN

06-30

Revision:

Scale:

Sheet No.:

7.1